

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JOSE ALBERTO MANCIAS

V.

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

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A-15-CV-312-LY

ORDER

Before the Court is the Plaintiff's Motion to File Complaint Without Payment of Fees (Dkt. No. 1) and attached Application to Proceed In Forma Pauperis and Affidavit in Support (Dkt. No. 1-1). In his application, Mancias states that he is unable to pre-pay the fees and costs of this cause or provide security. But after reviewing the financial affidavit accompanying his application, it is not clear whether this is so.

Mancias states that neither he nor his wife are employed. Mancias's last employment was in January, 2012, with the Texas Army National Guard, a position that paid him \$4,900 per month. In a section labeled "Other Income," the form asks whether he has "received within the past 12 months any income from . . . other sources, including government benefits." Mancias wrote that he received \$3,000 in disability payments from the U.S. Department of Veterans Affairs, and \$2,400 in retirement benefits from the U.S. Army. It is not clear whether those amounts constitute the total for the previous 12 months, or are payments he receives monthly. Mancias lists no other assets, only \$10 cash on hand. At the same time, Mancias has quite a few responsibilities. He lists three dependents: a daughter and two granddaughters. Each month, this family of five has expenses totaling \$3,805.

In large measure because Mancias's affidavit is ambiguous about whether his payments from the VA and Army are annual totals or monthly payments, the Court can only wonder how exactly Mancias is able to make ends meet. Before it can render a decision on his application to proceed *in forma pauperis*, the Court will need Mancias to clarify the following:

1. How much money does Mancias receive from the VA and Army each month?
2. Are there any other sources of income for any of the members of Mancias's household, including his wife, daughter, and granddaughters? How much does the household take in each month from these sources?
3. How do Mancias and the other members of his household make up the difference between what they take in and what they spend each month?

Upon receipt of this information, the Court will be better able to decide whether to grant Mancias *in forma pauperis* status.

Accordingly, the Court **ORDERS** Mancias to file a **MORE DEFINITE STATEMENT** that includes answers to the questions listed above, and any other information Mancias believes will allow the Court to determine his financial status. Mancias shall file his statement on or before **May 8, 2015**. Should Mancias fail to file his statement, the Court will deny his application to proceed *in forma pauperis*.

SIGNED this 23 day of April, 2015.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE